

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IZEH A. MATTHEW,

Plaintiff,
-against-

JUDGE NEIL ROSS, *et al.*,

Defendants.

22-CV-8824 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff submitted his complaint with a prisoner authorization, but he did not submit a completed request to proceed *in forma pauperis* (“IFP”). By order dated October 25, 2022, the Court directed Plaintiff to either pay the \$402.00 in fees that are required to file a civil action in this court or submit an IFP application within thirty days.

On December 6, 2022, the order was returned to the court with a notation on the envelope indicating that Plaintiff was no longer in custody at the facility where he was held when he filed this action. On December 8, 2023, the court again mailed the order to Plaintiff, using Plaintiff’s information as listed on the New York City Department of Correction Inmate Lookup Service, *see* <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf>. On January 10, 2023, that order was returned to the Court with a notation on the envelope indicating that Plaintiff had been discharged from custody.

On January 5, 2023, Plaintiff submitted a notice of change of address in three other cases pending in this court, indicating that he was no longer in custody and providing an address in Bronx, New York. *See Izeh v. Boy’ls New Rochelle Police*, ECF 1:22-CV-9299, 5; *Izeh v Rose*, ECF 1:22-CV-9828, 5; *Izeh v. NYPD*, ECF 1:20-CV-6869, 10. On January 10, 2023, Plaintiff also filed a new action in this court with the same Bronx address. *See Izeh v. Corr. Offs.*, ECF 1:23-

CV-0233, 1. On January 17, the court again mailed the October 25, 2022, order to Plaintiff at his most recent address in the Bronx.

Plaintiff has not complied with the Court's order and has not initiated any further contact with the Court, written or otherwise in connection with this action. Because Plaintiff has not filed an IFP application or paid the fees, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

CONCLUSION

Plaintiff's complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: February 21, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge